

Larson, Michael J.

From: Unikel, Robert [Robert.Unikel@kayescholer.com]
Sent: Friday, November 11, 2011 9:47 AM
To: Beasley, Tony G.
Cc: Meghjee, Munir R.; Brodie, Sang Young; Nielsen, Seth A.; Marek, Michelle; Keysor, Deanna
Subject: RE: Edge v. Barclays et al. - Letter

Tony,

We received the letter of yesterday detailing your "issues" relating to Wolverine's produced flowchart and forthcoming depositions. This response will be brief, as we have no desire to, and will not, engage in a fruitless, time-consuming and expensive letter-writing contest. We are fully confident that the flowchart we provided (after great effort in researching the Wolverine Trading system as it existed and operated in January 2009), when combined with the three explanatory 30(b)(6) depositions now scheduled for December 6, 7 and 16, is well more than sufficient to give Edge an accurate understanding of the system components and steps used to make the five January 27, 2009 trades identified in Edge's Amended Complaint, and is far more than was/is required to comply with Wolverine's initial disclosure obligations (and the Court's rulings and directions concerning those obligations). As recognized by Judge Denlow, initial disclosures pursuant to Local Patent Rule 2.1(b)(1) are not intended to, and do not, take the place of full discovery; and Edge cannot continue to create "issues" with Wolverine's good faith production efforts in a continued effort to extract ever more discovery before Edge has even prepared or served its Initial Infringement Contentions. Moreover, as to both Dr. Nelken and the Court's cost-sharing directive, we have proceeded exactly as we told the Court we would and exactly as the Court instructed. We will not retreat from our positions, ignore the Court's directions and/or undertake unwarranted or wasteful discovery or accounting efforts simply because you send us multiple strongly-worded letters.

In the end, I would feel 100% comfortable in standing up before Judge Denlow and explaining to him how we (and Wolverine) have proceeded since the last hearing and how we plan to proceed in the next few weeks to conclude the initial disclosure stage of this case.

If you genuinely believe there is a need for a meet-and-confer conference (as suggested in your letter), then I can be available to talk either on Tuesday afternoon, November 15, or on Wednesday afternoon, November 16. Otherwise, I will plan to see you at the next status hearing on November 29 and at the depositions on December 6, 7 and 16.

Have a nice weekend.

Rob

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From: Beasley, Tony G. [mailto:AGBeasley@rkmc.com]
Sent: Thursday, November 10, 2011 11:43 AM
To: Keysor, Deanna; Unikel, Robert; Marek, Michelle
Cc: Meghjee, Munir R.; Brodie, Sang Young; Nielsen, Seth A.
Subject: Edge v. Barclays et al. - Letter

11/14/2011

Counsel:

Please see attached letter.

Thanks,

Tony Beasley
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Thank you in advance for your cooperation.

Robins, Kaplan, Miller & Ciresi L.L.P.
<http://www.rkmc.com>

11/14/2011